

### **AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A semiconductor device comprising:  
a semiconductor substrate on which a semiconductor element is formed;  
a multilayer metal wiring layer having a plurality of layers stacked on the semiconductor substrate respectively via interlayer dielectric films;  
a capacitor comprising first and second elements, each of the elements including a lower metal electrode, a dielectric film, and an upper metal electrode ~~stacked~~ formed on the multilayer metal wiring layer via an interlayer insulation film; and  
first and second wiring layers of an upper layer formed on an insulation film, the insulation film being formed so as to cover the capacitor,  
wherein the upper metal electrodes of the first and second elements have substantially the same area,  
the upper metal electrode of each of the elements is provided within an area in which the lower metal electrode and the dielectric film of said each element are stacked, and  
the lower metal electrode of the first element and the upper metal electrode of the second element are electrically connected to each other, and the upper metal electrode of the first element and the lower metal electrode of the second element are electrically connected to each other.
2. (Original) The semiconductor device according to claim 1, wherein the lower metal electrode of the first element and the upper metal electrode of the second

element are electrically connected to each other by the first wiring layer, and the upper metal electrode of the first element and the lower metal electrode of the second element are electrically connected to each other by the second wiring layer.

3. (Original) The semiconductor device according to claim 1, wherein the dielectric film of each of the first and second elements of the capacitor comprises stacked films including a first film made of a high dielectric constant material and a second film made of a material having a low leakage current.

4. (Original) The semiconductor device according to claim 3, wherein the first film contains at least one of Ta<sub>2</sub>O<sub>5</sub>, Nb<sub>2</sub>O<sub>3</sub>, ZrO<sub>2</sub>, HfO<sub>2</sub>, La<sub>2</sub>O<sub>3</sub> or Pr<sub>2</sub>O<sub>3</sub>, and the second film contains at least one of Al<sub>2</sub>O<sub>3</sub>, SiO<sub>2</sub> or SiN.

5. (Original) The semiconductor device according to claim 3, wherein the lower metal electrode of each of the first and second elements is made of TiN, and the upper metal electrode of each of the first and second elements is made of TiN.

6. (Original) The semiconductor device according to claim 1, wherein the dielectric film of each of the first and second elements of the capacitor comprises stacked films including a first film made of a high dielectric constant material and second and third films made of a material having a low leakage current, the second and third films interposing the first film therebetween.

7. (Original) The semiconductor device according to claim 3, wherein the first film contains at least one of Ta<sub>2</sub>O<sub>5</sub>, Nb<sub>2</sub>O<sub>3</sub>, ZrO<sub>2</sub>, HfO<sub>2</sub>, La<sub>2</sub>O<sub>3</sub> or Pr<sub>2</sub>O<sub>3</sub>, and each of the second and third films contains at least one of Al<sub>2</sub>O<sub>3</sub>, SiO<sub>2</sub> or SiN.

8. (Original) The semiconductor device according to claim 6, wherein the lower metal electrode of each of the first and second elements is made of TiN, and the upper metal electrode of each of the first and second elements is made of TiN.

9. (Original) The semiconductor device according to claim 6, wherein the first film and the second film have different thickness.

10. (Original) The semiconductor device according to claim 1, wherein the dielectric film of each of the first and second elements comprises a high dielectric constant material having a relative dielectric constant of at least 20.

11. (Original) The semiconductor device according to claim 10, wherein the high dielectric constant material contains at least one of Ta<sub>2</sub>O<sub>5</sub>, Nb<sub>2</sub>O<sub>3</sub>, ZrO<sub>2</sub>, HfO<sub>2</sub>, La<sub>2</sub>O<sub>3</sub> or Pr<sub>2</sub>O<sub>3</sub>.

12. (Original) A semiconductor device comprising:

- a semiconductor substrate on which a semiconductor element is formed;
- a multilayer metal wiring layer having a plurality of layers stacked on the semiconductor substrate respectively via interlayer dielectric films;
- a dielectric film formed over the semiconductor substrate so as to cover the multilayer metal wiring layer;
- first and second upper metal electrodes formed on the dielectric film, the first and second upper metal electrodes having substantially the same area; and
- first and second wiring layers of an upper layer formed on an insulation film, the insulation film being formed so as to cover the first and second upper metal electrodes and the dielectric film,

wherein a capacitor is formed of first and second elements,

the first element comprises the first upper metal electrode, the dielectric film, and a first lower metal electrode formed of a part of an uppermost wiring layer of the multilayer metal wiring layer,

the second element comprises the second upper metal electrode, the dielectric film, and a second lower metal electrode formed of another part of the uppermost wiring layer of the multilayer metal wiring layer,

the first upper metal electrode is provided within an area in which the first lower metal electrode and the dielectric film are stacked,

the second upper metal electrode is provided within an area in which the second lower metal electrode and the dielectric film are stacked, and

the first lower metal electrode of the first element and the second upper metal electrode of the second element are electrically connected to each other, and the first upper metal electrode of the first element and the second lower metal electrode of the second element are electrically connected to each other.

13. (Original) The semiconductor device according to claim 12, wherein the first lower metal electrode of the first element and the second upper metal electrode of the second element are connected to each other by the first wiring layer of the upper layer, and the first upper metal electrode of the first element and the second lower metal electrode of the second element are connected to each other by the second wiring layer of the upper layer.

14. (Original) The semiconductor device according to claim 12, wherein the dielectric film of each of the first and second elements comprises a high dielectric constant material having a relative dielectric constant of at least 20.

15. (Original) The semiconductor device according to claim 14, wherein the high dielectric constant material contains at least one of Ta<sub>2</sub>O<sub>5</sub>, Nb<sub>2</sub>O<sub>3</sub>, ZrO<sub>2</sub>, HfO<sub>2</sub>, La<sub>2</sub>O<sub>3</sub> or Pr<sub>2</sub>O<sub>3</sub>.

16. (Currently Amended) The semiconductor device according to claim 12, wherein the upper layer constituting the first and second ~~[[metal]]~~ wiring layers is made of Cu.

17. (Original) The semiconductor device according to claim 1, wherein the multilayer metal wiring layer comprises at least two metal wiring layers.

18. (Original) The semiconductor device according to claim 1, wherein an analog circuit is formed in the semiconductor substrate, and the capacitor is included in the analog circuit.

19. (Original) The semiconductor device according to claim 18, wherein the analog circuit includes an analog/digital converter.